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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/736,494	12/17/2003	Koichiro Mitsui	2038-318	6145

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EXAMINER
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CRAIG, PAULA L

ART UNIT	PAPER NUMBER
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3761

DATE MAILED: 09/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<p align="center"><b>Office Action Summary</b></p>	<p><b>Application No.</b></p> <p align="center">10/736,494</p>	<p><b>Applicant(s)</b></p> <p align="center">MITSUI ET AL.</p>	
	<p><b>Examiner</b></p> <p align="center">Paula L. Craig</p>	<p><b>Art Unit</b></p> <p align="center">3761</p>	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 15 June 2006.
- 2a) ☒ This action is **FINAL**.      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 2,3,5,12-15 and 21-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 2,3,5 and 27 is/are allowed.
- 6) ☒ Claim(s) 12-15 and 21-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Arguments***

1. For Claims 12-15 and 21-26, Applicant's arguments filed June 15, 2006 have been fully considered but they are moot in view of the new grounds of rejection.

### ***Claim Rejections - 35 USC § 103***

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
3. Claims 12-15 and 21-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Harris (U.S. Patent Application Publication No. 2003/0173018) in view of U.S. Patent No. 4,050,462 to Woon et al.
4. For Claims 12-15 and 21-26, Harris teaches a disposable wearing article with a pair of sheets and adhesive lines permanently bonding at least two of the core and the sheets together, each adhesive line having first and second zones alternately arranged, with first zones having a greater amount of adhesive material than the second zones, as described in the prior Office Action mailed March 15, 2006. For Claim 12, Harris teaches straight parallel adhesive lines along elastic strands (paragraph 13). For Claims 13 and 26, Harris teaches non-intersecting wavy lines which do not intersect themselves (paragraphs 10, 15, 40, and 42-43). For Claims 15, 21, and 25, Harris teaches the adhesive lines repeatedly looping to intersect themselves at a plurality of

intersections and defining a plurality of loops arranged successively in the given direction and connecting segments that connect adjacent loops at the intersections (Fig. 7). For Claims 15, 21, and 22, Harris teaches first zones not being located at any of the intersections of the adhesive line (Figs. 8, 8A, 10, and 11). Harris teaches that the first and second zones with different amounts of adhesive material allows the adhesive to flow around the sides of the elastic strand and form localized areas characterized by high bond strength between the elastic strands and the substrate, without significantly compromising the elastic properties of the strand at other locations (paragraphs 11 and 16).

5. Further, for Claims 12-15 and 21-26, Harris does not expressly teach an absorbent core between the sheets. For Claim 12, Harris does not expressly teach the adhesive lines being parallel to the longitudinal direction of the article. For Claims 13 and 26, Harris does not expressly teach the first zones of each of the wavy adhesive lines being located at both crests and troughs of the wavy adhesive line. For Claim 14, Harris does not expressly teach having different patterns for the adhesive lines bonding the opposite first and second surfaces of the core to the sheets. For Claims 15 and 25, Harris does not expressly teach a single embodiment in which the adhesive lines repeatedly loop and the first zones are not located at any of the intersections. For Claim 21, Harris does not teach a first set of the first zones not located at any of the intersections, a second set of the first zones located at one of the intersections, and the number of first zones in the first set being greater than in the second set. For Claim 22, Harris does not teach some of the first zones of each adhesive line being located on the

loops of the adhesive line but not at any of the intersections. For Claim 23, Harris does not teach some of the first zones of each adhesive line being located on the connecting segments of the adhesive line but not at any of the intersections. For Claim 24, Harris does not teach the given direction being in a longitudinal direction of the article.

6. Further, for Claims 12 and 24, Applicant's specification does not disclose that straight adhesive lines parallel to the longitudinal direction of the article serve any stated purpose or solves any particular problem. For Claims 13 and 26, Applicant's specification does not disclose that having first zones of the wavy adhesive lines located at both crests and troughs of the wavy adhesive line serves any stated purpose or solves any particular problem. For Claim 14, Applicant's specification does not disclose that having different patterns for the adhesive lines bonding the opposite first and second surfaces of the core to the sheets serves any stated purpose or solves any particular problem. For Claims 15 and 25, Applicant's specification does not disclose that having the adhesive lines repeatedly loop without the first zones being located at the intersections serves any stated purpose or solves any particular problem. For Claim 21, Applicant's specification does not disclose that having a first set of the first zones not located at any of the intersections, a second set of the first zones located at one of the intersections, and the number of first zones in the first set being greater than in the second set, serves any stated purpose or solves any particular problem. For Claim 22, Applicant's specification does not disclose that having some of the first zones of each adhesive line located on the loops but not at any of the intersections serves any stated purpose or solves any particular problem. For Claim 23, Applicant's specification does

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not disclose that having some of the first zones of each adhesive line be located on the connecting segments of the adhesive line but not at any of the intersections serves any stated purpose or solves any particular problem. For Claims 12-15 and 21-26, an absorbent core is well known in the art of absorbent articles. Woon confirms this and teaches an absorbent core between a pair of sheets (absorbent batt 16, Fig. 1 and col. 1, lines 63-68). For Claims 12-15 and 21-26, it would have been obvious to one of ordinary skill in the art to modify Harris to include an absorbent core. For Claims 12 and 24, elastic strands running parallel to the longitudinal direction of the article are also well known in the art of absorbent articles. Woon confirms this and teaches elastic strands running parallel to the longitudinal direction of the article (Fig. 1). For Claims 12 and 24, it would have been obvious to one of ordinary skill in the art to modify Harris to include the elastic strands running parallel to the longitudinal direction of the article, as taught by Woon. For the remaining claims, Claims 12, 14-15, and 21-25, the adhesive configurations disclosed by Harris would perform equally well as the claimed adhesive configurations in flowing around an elastic strand and bonding the strand to the substrate. For Claims 13 and 26, it would therefore have been obvious to modify Harris to include the first zones of the wavy adhesive lines located at both crests and troughs of the wavy adhesive line. For Claim 14, it would have been obvious to modify Harris to include different patterns for the adhesive lines bonding the opposite first and second surfaces of the core to the sheets. For Claims 15 and 25, it would have been obvious to modify Harris to include having the adhesive lines repeatedly loop without the first zones being located at the intersections. For Claim 21, it would have been obvious to

modify Harris to include a first set of the first zones not located at any of the intersections, a second set of the first zones located at one of the intersections, and the number of first zones in the first set being greater than in the second set. For Claim 22, it would have been obvious to modify Harris to include having some of the first zones of each adhesive line located on the loops but not at any of the intersections. For Claim 23, it would have been obvious to modify Harris to include some of the first zones of each adhesive line being located on the connecting segments of the adhesive line but not at any of the intersections.

#### ***Reasons for Allowance***

7. Claims 2, 3, 5, and 27 are allowed. The following is an examiner's statement of reasons for allowance: The closest prior art is considered to be U.S. Patent Publication No. 2003/0173018 to Harris, and U.S. Patent Nos. 6,635,798 to Yoshioka, 5,882,573 to Kwok, 6,603,554 to Kwok, 4,874,451 to Boger, 5,354,597 to Capik et al., 3,727,615 to Duchane, and 4,849,049 to Colton. There is insufficient motivation to combine the features of the various references.

#### ***Conclusion***

8. Applicant's amendment necessitated the new grounds of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paula L. Craig whose telephone number is (571 )272-5964. The examiner can normally be reached on 6:30AM-3:00PM M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tanya Zalukaeva can be reached on (571) 272-1115. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Paula L Craig  
Examiner  
Art Unit 3761

PLC

TATYANA ZALUKAEVA  
SUPERVISORY PRIMARY EXAMINER

